

PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE

Of the Suffolk County Legislature

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **August 2, 2005**.

Members Present:

Legislator Angie Carpenter • Chairperson

Legislator Pete O'Leary • Vice•Chair

Legislator Michael Caracciolo

Legislator Daniel Losquadro

Legislator David Bishop

Legislator William Lindsay

Legislator Lynne Nowick

Legislator Elie Mystal

Also In Attendance:

Legislator Ricardo Montano • District #9

Mea Knapp • Counsel to the Legislature

Alexandra Sullivan • Chief Deputy Clerk/Suffolk County Legislature

Linda Bay • Aide to Presiding Officer Caracappa

Lisa Keys • Aide to Presiding Officer Caracappa

Greg Moran • Press Secretary to Presiding Officer Caracappa

Frank Tassone • Aide to Majority Caucus

Doug Sutherland • Aide to Legislator Carpenter

Maria Ammiratti • Aide to Legislator O'Leary

Paul Perillie • Aide to Minority Caucus

Kevin LaValle • Aide to Legislator Losquadro

Ed Hogan • Aide to Legislator Nowick

Carl Yellon • Aide to Legislator Kennedy

Alicia Howard • Aide to Legislator Montano
Gail Vizzini • Director/Budget Review Office
Jim Maggio • Budget Analyst/Budget Review Office
Ben Zwirn • Assistant County Executive
Brian Beedenbender • County Executive Assistant
Carmine Chiusano • County Executive's Budget Office
Jacqueline Caputi • County Attorney's Office
Robert Kearon • Bureau Chief/District Attorney's Office
Christopher Nicolino • Economic Crimes Bureau/District Attorney's Office
Alan Otto • Chief of Staff/Suffolk County Sheriff's Office
Donald Sullivan • Undersheriff/Suffolk County Sheriff's Office
Richard Dormer • Commissioner/Suffolk County Police Department
Aristedes Mojica • Inspector/Chief of Department's Office/SCPD
John McGaney • Lieutenant/Highway Patrol/SCPD
Stuart Cameron • Deputy Inspector•4th Precinct/SCPD
Vincent Massaro • Sergeant•4th Precinct•SCPD
Joe Williams • Commissioner/Fire, Rescue & Emergency Services
Robert Gronenthal • Fire, Rescue & Emergency Services
Carol McNally • Fire, Rescue & Emergency Services
Hope Collazo • Director/Community Service Program•American Red Cross
Debbie Eppel • Public Information Office
Michael Sharkey • Vice•President/SC Deputy Sheriff's Benevolent Assoc.
Charlotte Koons • Suffolk Bill of Rights Defense Campaign
Juan Gallardo • Suffolk Bill of Rights Defense Campaign
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(*The meeting was called to order at 11:46 A.M.*)

CHAIRPERSON CARPENTER:

Okay, let us begin the Public Safety Committee. And I would ask Legislator Nowick to please lead us in the Pledge of Allegiance.

Salutation

Good morning. I think we'll go right to the cards, we've only got two, so. Charlotte Koons?

MS. KOONS:

Yes, I'm Charlotte Koons and I'm a resident of Northport and I represent the Suffolk Bill of Rights Defense Campaign, in behalf of the Vilorio-Fisher resolution in defense of our Constitution's Bill of Rights.

Since Congress this week again, in haste, has revived some of the provisions of the Patriot Act, how do I dare ask you to still consider adding Suffolk County to over 370 communities in seven states who have come out in defense of the Bill of Rights against the onslaught of the egregious portions of the Patriot Act? The answer is simple, the answer is history. I truly believe that history will ask who had the courage to resist this erosion of our civil rights. And I ask you to be among that number, to show that our County had the courage to uphold the Bill of Rights. I'm asking the Public Safety and Public Information Committee to take the long view, the view of history and legacy. I, again, believe that history will revile the assaults on the Bill of Rights represented by the portions of the Patriot Act that we are asking you to consider.

To paraphrase Martin Luther King Jr., the arc of the moral universe is long, but it bends towards justice. I ask you to bend toward justice. Thank you.

CHAIRPERSON CARPENTER:

Thank you. Next speaker, Christopher Nicolino.

MR. NICOLINO:

Thank you for your time, Madam Chairwoman, Members of Legislature.

I just want to speak very briefly in support of IR 1285-05, that's a resolution to amend the Local Crack House Law. I work for the District Attorney's Office in the Economic Crimes Bureau, I've been tasked by Mr. Spota, the District Attorney, to work on some of the illegal housing issues that are present in the County that have been the subject of much discussion lately.

One of the problems during the course of the investigations we're conducting that we've discovered is that a number of these illegal boarding houses are being supported by County

funds, emergency housing funds. Department of Social Services will ask the landlords to certify that the houses are in compliance with local building codes and they will falsely indicate that they are; this, of course, is a crime and we're aggressively prosecuting those crimes. However, the County itself is left with no remedy in order to shut down the house to stop these illegal acts. This bill would address that situation and give the County the tools necessary to shut down a house that's operating illegally, and that's why we support it.

CHAIRPERSON CARPENTER:

Thank you.

MR. NICOLINO:

Thank you.

CHAIRPERSON CARPENTER:

Okay. Next I'd like to ask Commissioner Dormer if he would please come forward, we have a brief presentation this morning. And after the break, I know that members of the committee may have some questions or updates for the Commissioner. So Commissioner Dormer, thank you for joining us.

COMMISSIONER DORMER:

Thank you very much. Good morning. And I appreciate the opportunity to give a presentation on the expansion of the use of tasers in the Suffolk County Police Department.

Probably some of you know that this tool has been utilized in the Suffolk County Police Department for almost 15 years. In the Emergency Service unit 15 years ago, they introduced a tool like the taser. Eleven years ago the taser became available and was purchased by the Suffolk County Police Department and has been in use since then.

When this administration came on board in 2004, as we examined what was happening in the Police Department, one of the areas that I was concerned about was •• two areas, the use of force and injuries to officers. And as you also know, with the use of force issue we mandated that officers wear vests, the bulletproof vests; it wasn't mandated before we mandated it. The use of tasers was restricted to the Emergency Service Section and, as you can imagine, when an officer confronted a violent subject on the street, they didn't have the time to wait for

Emergency Service to respond and they had to deal with whatever was happening on the street. And consequently, when we looked at the injured officers figures for 2004, there were •

- the numbers were almost 18,000 eight•hour tours lost through injuries in the Suffolk County Police Department for one year. We reduced that over a year period by almost 4,000 eight•hour tours which is a savings of over \$2 million if you figure it out with the cost of an officer.

The tasers, we have •• and I'm not going to go into the models that we have, but the supervisors in each precinct has a taser issued, Highway Patrol, Marine Bureau and the Airport Operation Section. These devises or tools which are conducive to energy transmits an electric charge. And I have a Sergeant here from the 4th Precinct that has the unit or the tool and I will have him display that. But basically how it works is like you're shooting darts out of a pistol from approximately five feet, 10 feet to 21 feet, the optimum range is about 15 feet, and they're utilized to save officers having to close with and wrestle with dangerous subjects. As you know, we only have the mace and then the 9 millimeter, there was no intermediate tool to deal with violent subjects and that's why the taser was put for expanded use in Suffolk County.

The typical injury to the subject is two puncture wounds similar to bee stings, caused by the probes penetrating the skin. Department procedure directs that the probes be removed by a medical professional, so that means if we use the taser on somebody they have to go to the emergency room. Incidental abrasions may occur if the subject falls after they're hit with the taser. And I can tell you from personal experience that it is a jolt because I've received it during training and I wanted to experience what it was like, and it is like getting hit very hard and it stops you in your tracks and you go down. It lasts for about five seconds, the five seconds gives the officers an opportunity to handcuff the person and take them into custody.

We have department procedures, written procedures, which require that the taser not be used on a person known to be or apparently under the age of 16, over the age of 65 or pregnant; it's specific in the orders and it's also specific in our training, that we do not taser people in that category. In 2004 the taser was utilized eleven times, in 2005 we've used it 20 times. I should mention that besides many village and town Police Departments in Suffolk County, Nassau County, New York PD, NYPD and most major police departments in the United States utilize tasers. The taser •• the beauty of the taser, besides not having to close with somebody that's violent, is that you walk away from it. It reduces injuries to officers and subjects, leaves no permanent scars and potentially saves lives when officers reach for a taser rather than a block 9 millimeter. Even though tasers sound scary, they are a much more gentle tool than wrestling

with somebody and using physical force, personal physical force on somebody.

I gave you the numbers of officers. I should mention that when you hear media reports on the taser, and I believe it's sensationalized when people use 50,000 volts of electricity and this person has been electrocuted. I've got to tell you that if you're electrocuted, you don't get up and walk away. When somebody is electrocuted they die.

The taser, the taser has 50,000 volts but the amps which are the real key to this thing are extremely low. I'll give you an example; touching a door knob and you get static electricity is a hundred thousand volts and it's point zero zero three amps which is more powerful than the taser, just to put it in perspective.

I agree with Commissioner Ray Kelly who made a statement this week because of the incident in New York City where the violent subject ingested cocaine and had to be subdued with the taser and he subsequently was pronounced dead at the hospital, and of course the taser is blamed for this death instead of the intoxication from cocaine in the system. If we have people that are high on drugs, especially crack cocaine, if we wrestle with them and we have experience with this in Suffolk County, without utilizing the taser, just wrestling with them and taking them down and handcuffing them, and then unfortunately they die in custody either on the way to the hospital or at the hospital, because of the induced psychosis from the drugs; in these cases, if a taser had been used, I can bet that the taser would be blamed for this. And I depend, or the Police Department depends on science when we deal with this tool, and the Medical Examiner has, in the cases that have come to light in Suffolk County, ruled that it was a cocaine or drug-induced psychosis that caused the death of the person, not the taser.

We've had instances in Suffolk County where officers have utilized the taser with violent people and there was no injuries to either the officer or the person that they were taking into custody; we have numerous instances of this working. So we feel that it's a necessary tool, we think it's proper to have a tool between mace which doesn't work all the time and you have to get too close to the person and the 9 millimeter Glock. So if you have somebody with a knife threatening officers or threatening people and you can use a taser, it should be available to the cops on the street to utilize this.

Again, I would conclude by saying it's nothing new in Suffolk County, we're very careful how we use it. The officers are directed to be •• to follow procedures. Again, as I mentioned in our

written procedures, our training is extensive, it's not an issue to anybody that doesn't receive the training because there's liability issues relative to training. And if I could have •• I have Sergeant Vincent Massaro from the 4th Precinct; Sergeant, if you could come up, please. And I just want to show everybody the tool, what the taser looks like; and if you could, Serg.

SERGEANT MASSARO:

You want me to walk around?

COMMISSIONER DORMER:

Yeah, could you, please? Let the members of the committee ••

LEG. MYSTAL:

Get Bishop.

CHAIRPERSON CARPENTER:

Dave, you want to stand?

(* Sergeant Massaro displayed taser gun for the committee*)

LEG. O'LEARY:

Is the safe on?

SERGEANT MASSARO:

Yes, it is.

LEG. O'LEARY:

I have a question as he's showing us the data. Commissioner, I have a question, as he's showing us the taser gun.

CHAIRPERSON CARPENTER:

Excuse me, we do have a list, so you're next.

LEG. O'LEARY:

Oh, okay. I'm sorry.

CHAIRPERSON CARPENTER:

Legislator Nowick.

COMMISSIONER DORMER:

Thank you, Sergeant.

LEG. NOWICK:

Good morning, Commissioner. And thank you for the report on the tasers, I have been reading a lot about them. And I just had one question. And just let me say first that obviously our top priority here is the protection of our law enforcement police officers, men and women. And I don't know a lot about tasers, I know a little bit more now, but just one thing that you said, that you do not use tasers in cases of people over 65 or pregnant women, and the only thought that comes to my mind is in such a fast instance how can you possibly •• how can they possibly determine that? Is there •• that does make me a little nervous. Again, if it's the bad guy versus the good guy, so to speak, of course are our Police are the number one priority, but it seems like that's a difficult thing to determine so fast.

COMMISSIONER DORMER:

Well, you know, unless they're obviously pregnant, we wouldn't know that they're pregnant.

LEG. NOWICK:

Right.

COMMISSIONER DORMER:

Now, this tool is only used on violent, dangerous people.

LEG. NOWICK:

So in other words, when they really need to be protected, the Police.

COMMISSIONER DORMER:

So they're in a different category, even if they're pregnant, they're in a different category from normal folk.

LEG. NOWICK:

That's what I wanted to hear.

COMMISSIONER DORMER:

Yeah. No, they're •• we only use it on dangerous people.

LEG. NOWICK:

And look, in your case, you know, how would anybody know, you know, that you're not how old you are, you look so young.

COMMISSIONER DORMER:

Thank you. You know, the officer has to make a judgment. We don't want them using the tool on kids, that was why we put 16 in. If an officer doesn't know the age of the youngster and they're dangerous and violent and are 15, the officer has to make a judgment and we have to back them up on that, obviously.

LEG. NOWICK:

So that's basically what I wanted to hear from you, that it's quite an emergency situation, there's a danger to an officer, that's what you're telling us.

COMMISSIONER DORMER:

Yes, a danger to officers or to members of the public.

LEG. NOWICK:

Thank you.

CHAIRPERSON CARPENTER:

Legislator O'Leary.

LEG. O'LEARY:

Hi, Commissioner. How are you?

COMMISSIONER DORMER:

Fine, thank you.

LEG. O'LEARY:

In your presentation you indicated that there are only certain police officers who have this taser gun; is it just Patrol Sergeants that have it?

COMMISSIONER DORMER:

Yeah, we have •• they don't have them yet but we're going to extend it to certain police officers in isolated areas. For example, in the 7th Precinct out east, in Barrier Beach where the officers patrol alone, where backup is not available, and that's going to be the same thing with the 7th Precinct. Because, again, if you're confronting somebody that's dangerous and violent and you don't want to kill them, if you have the taser, at least it gives you another option. And the officers, again, will be trained in their use and they'll know when to use them.

And again, I should, you know, state that it's only dangerous and violent people that we will utilize the tool on. And we review every instance of the use of the taser, just like we do if somebody uses their 9 millimeter Glock, to determine that it was used properly. We have a review procedure, so we're very careful about the use of our tools or our weapons that the officers have.

LEG. O'LEARY:

So it is planned in the future that the sector car operators in certain areas will have these tasers.

COMMISSIONER DORMER:

Yes, we may put it into a zone in the sectors.

LEG. O'LEARY:

Right. But right now it's just the Sergeants that have it?

COMMISSIONER DORMER:

Yeah, there may be some police officers, I think Barrier Beach ••

LEG. O'LEARY:

Okay.

COMMISSIONER DORMER:

•• may have them right now as we speak, but I'm not sure. They were waiting for holsters. We have to have special holsters for the weapon because we don't want the officer to make a mistake and think he's pulling the 9 millimeter or vice versa, because they look very similar, if you notice, and we wanted to make sure they're on the other side, that the holster, in an emergency or a crisis situation, the officer doesn't pull the wrong weapon.

LEG. O'LEARY:

Yeah, because a thought that is occurring to me is that often times it's just a sector car operator that's at the scene at that particular situation and the supervisor is some distance away.

COMMISSIONER DORMER:

Yeah, we're aware of that and that's why we're trying to expand it so that the officers are covered. Because they'll come to depend on this tool and, again, I don't want to be putting an officer in the situation where mace is not going to work, as you know from your experience, and what's your option; to keep running away from this guy until he kills somebody? You have to take action and the taser may save you or somebody else.

CHAIRPERSON CARPENTER:

Legislator Lindsay and then Legislator Bishop.

LEG. LINDSAY:

Actually, my question was answered already, I was going to ask why the presentation at this point in time? We're buying additional ones and •• because we've had them for a while, right, but we're just expanding who will be carrying them?

COMMISSIONER DORMER:

Yes. Well, I had an inquiry from the Chair, you know, Legislator Carpenter had asked me about this subject and if I would give a presentation.

LEG. LINDSAY:

Okay.

CHAIRPERSON CARPENTER:

Yes, someone had reached out.

LEG. LINDSAY:

Okay, and maybe •• was that at our last meeting? It's been a long summer, I don't remember. Whatever, that's all I wanted to know.

CHAIRPERSON CARPENTER:

Legislator Bishop.

LEG. BISHOP:

Hi. You may have answered this in your presentation, but if you can just revisit it for me again. Is the taser only to be used in situations where the officer would, without a taser, use a gun, or is it in the alternative a taser to be used in a situation where without a taser the officer would use his night stick or whatever other tools he has available?

COMMISSIONER DORMER:

Yeah, that's a good point. And not all the time you would use your weapon, but you'd have to close with and wrestle with and bring this person down and this is where our officers are getting hurt. Every month we have over 120, 130 officers out injured in the Suffolk County Police Department, that's an academy class, every month that number stays the same, it's about 12, 13,000 eight•hour tours a year. We're talking about a lot •• now, some of them are minor injuries and they're out for two days, three days, but a lot of these injuries are from closing with and wrestling with people, because that's where people get hurt.

LEG. BISHOP:

Commissioner, it's an interesting question. It seems like we're going against the flow here. Nationally, isn't there in the Police District a movement away from taser and that taser is under a lot of scrutiny and pressure, probably from lawsuits? Which also raises the question, has your policy been reviewed by the County Attorney's Office?

You know, obviously we want to see an additional tool that our officers can use effectively and I hope this is it, but I know there are a lot of questions nationally about taser and I certainly wouldn't want to put us in a situation where we're paying out huge sums of money in lawsuits.

COMMISSIONER DORMER:

No, that's a good point and we're very careful in the training, the procedures and the use of the tool. And again, we can get sued any time, if we wrestle with the person and there's an injury we get sued. We have to make judgments based on what's available in the business and most police departments in the United States and throughout the world use tasers. They are under scrutiny, which is fine, but I haven't seen any case yet where a death is directly attributable to a taser and these are the science, I deal with the science on this. The County Attorney is aware of it. When we put the tasers in originally they were deemed legal, we could do it, we can utilize the tools that are available. As long as we have written procedures and the training, that's the key.

CHAIRPERSON CARPENTER:

Okay. Legislator Bishop?

LEG. BISHOP:

Okay.

CHAIRPERSON CARPENTER:

You're done? Okay, Legislator O'Leary.

LEG. O'LEARY:

Similar to some time ago, there was a direction given concerning domestic arrests with an OP, an Order of Protection. Would it be safe to assume that if a taser is used there will be an arrest effected.

COMMISSIONER DORMER:

Yes, yes. Any time we use the taser, resisting arrest.

LEG. O'LEARY:

That's my point.

COMMISSIONER DORMER:

Yeah.

LEG. O'LEARY:

If you're going to use the taser, it's a situation where you're looking to subdue an individual for purposes of not only restraining them but perhaps arresting them as well for a violation or a crime was committed. So would it be the case •• I mean, what would be the cases where you wouldn't effect an arrest if the taser was used?

COMMISSIONER DORMER:

Well, you may get an emotionally disturbed person, okay, who has to be taken into custody, taken for psychiatric treatment to Stony Brook.

LEG. O'LEARY:

Okay.

COMMISSIONER DORMER:

In that case, there wouldn't be any criminal charges normally, unless there was a crime committed. Just if the person is emotionally disturbed, doesn't want to comply and is violent, our policy is that we take them to the nearest medical facility for psychiatric treatment and we don't charge them. And the taser may be used in that instance, because you may have to use it.

LEG. O'LEARY:

Right, yeah. Okay, I just wanted to just in my mind clarify. I mean, it seems to me that there were situations when I was on the job in patrol where, you know, a person would resist arrest and if you were by yourself, the use of the taser, I mean, you're going to effect an arrest if the situation warrants it and there's •• but I was just curious as to a situation that would •• that the taser would be used without effecting arrest. Okay, that satisfies my inquiry.

COMMISSIONER DORMER:

Yeah, I leave that up to the judgment of the supervisors on the scene, depending on what occurs when the person is taken into custody. If they're emotionally disturbed and there's no injuries to the officers and everybody comes out of it okay, you go to the hospital for treatment, I think that's the appropriate way to handle that. It's really not somebody you want to bring in to court because you used the taser. But we would write up a report on that and it would be a computer printout on it, every time we use it there's a computer printout, so there's a record of its usage. Many times the trigger was pulled, that's all recorded on a microchip which is also

entered into the computer and we retain that in case there's a lawsuit or somebody wants that information. So, you know, that's how critical we are. We even make up a report, if the taser is attempted to be used by pulling the taser out and telling the person, "Comply, come with me," and they do, we make a report on that even though we don't use the taser in that instance, they make up a report, use of force.

LEG. O'LEARY:

Or just as a •• or as Legislator Bishop might suggest, use it as an alternative to incarceration; I'm only kidding.

CHAIRPERSON CARPENTER:

Okay.

LEG. O'LEARY:

I said that in gest.

CHAIRPERSON CARPENTER:

Are there any other questions on this subject? Commissioner, thank you very much for coming down with that presentation. And while you're here, if anyone else has any questions of the Commissioner or any other issues that you'd like to bring to the committee's attention?

COMMISSIONER DORMER:

Well, if I may, before I ••

CHAIRPERSON CARPENTER:

Sure.

COMMISSIONER DORMER:

I would like to congratulate the men and women of the Suffolk County Police Department, because a week ago we became an accredited police agency. New York State passed our accreditation process and we're now fully accredited till 2010, so this is a reflection of the professionalism of the police service in Suffolk County. I think it's a big, I guess, reward for everything that the officers and Detectives do every day in this County. So I just wanted to let the committee know that and, you know, congratulate the officers for everything they've done over the years to make this Police Department the fine Police Department that it is.

CHAIRPERSON CARPENTER:

Well, I'm delighted that you mentioned that. I know that every member of this committee shares that feeling about our Police Department, its professionalism and dedication. Are we on track with the police class for September 12th with 120 recruits?

COMMISSIONER DORMER:

Yes. We will have the candidates, they're almost all complete, some of them have the psychological and the physical agility to go through. We have a couple of appeals; as you know, if somebody fails any stage of the process they have 30 days to appeal it and so we have plenty of time to do that. We will have 120 candidates ready September 12th.

CHAIRPERSON CARPENTER:

Great. Anything else, committee? Thank you very much, Commissioner.

COMMISSIONER DORMER:

Thank you. Have a good day.

CHAIRPERSON CARPENTER:

Thank you. Before we go to the agenda, I'd like Commissioner Williams to come forward just to update on us on •• there is a resolution that there were some questions about, the •• let me just get it out here.

LEG. O'LEARY:

1747.

CHAIRPERSON CARPENTER:

Right, the All•Hazards Emergency Management Plan for the County. And also, there is an issue that may be before us if we have a CN on a grant, so if you could just let everybody know about that so there are no surprises.

COMMISSIONER WILLIAMS:

Okay. What I would like to start off with first is the two CN's. We had requested a CN on two bills. A little background, these involve two grants that come to us from the Federal

government through New York State, the total value to both grants is a little over \$3 million. The grants involve FRES, Suffolk County PD, Suffolk County Health Department and the DPW.

The problem we have with grants, normally what happens is the grant period on this particular grant runs from October 1st, 2004 to the 31st of March, 2000 •• '07. The national paperwork that goes through the Federal government, the State, we just received these grant awards three weeks ago. What happens is that by the time it gets to everybody, we're losing so much time. All these grants are Homeland Security Grants, all the items that we look to purchase are Homeland Security items. Why we're asking for a CN on both of these, just to make you know about it, is that the normal cycle is coming up with Suffolk County Purchasing, they start slowing down on accepting purchase orders from us knowing they're trying to close out the year. In the past experience, talking to people from my staff, what happens is we start submitting them again the end of January with the processing to get in.

Talking to Suffolk County PD, Mark White, Deputy Chief of Terrorism. What we're asking for is a CN so we can actually submit purchase orders on this money prior to the cut•off date in October, that we can start receiving the products that we're looking to buy for our own safety prior to maybe the end of the year when we start getting some of them in, or at least the early part of the year. The current system would not enable us to do that, we would not see some of these items until late or mid 2006. So I would ask for your consideration, that's the reason why •• again, it's all Homeland Security items. The alert level is up, it involves a lot of County departments, it would really help us out an awful lot if we can get these purchase orders in before we have a cutoff date.

CHAIRPERSON CARPENTER:

All right, thank you. And I appreciate you bringing that to my attention so that we could alert everyone so that when it does come before us on Tuesday, next Tuesday, there are no surprises.

COMMISSIONER WILLIAMS:

Okay. The other thing I would like to speak to is the Suffolk County Comprehensive Emergency Management Plan. Just a little background on this particular plan.

In 2003, Department of Fire, Rescue & Emergency Services received a grant and we contracted with a company to update this plan. This plan, what this plan is doing is actually replacing or

updating a similar plan that was introduced in 1980. Unfortunately, over the years it wasn't reviewed or upgraded. Also, too, is due to the new Homeland Security and Federal Directors of Incident Management, National Management Service and anything else which we accepted in the County, we updated it. There's a matter of background of information on it, the purpose of the plan is to guide the County government in response to recover from mitigation in preparedness for disasters, natural technology and manpower. Basically what it does, it just kind of defines what each County department, County Executive, what we're all going to do on different levels of the •• during the incident, no matter how big it is. The authority for it comes from actually the Robert T. Stanford Disaster Relief Emergency Act.

The main thing is that we •• they had similar meetings with all County departments, other agencies that we dealt with during the period of time were making up this particular plan. They've all been incorporated. It basically lays it out, it's a large document, it has eight appendixes to it and 27 annexes to it. It is a rather large document to read, I think each County department will look at their own end of it, in FRES here we're looking over the whole part of it. It talks about emergency management. Again, but it is an update to a plan that was in place in the early 80's that we felt at the time, the past Commissioner Fischler got the Federal grant to get this adopted, I think it's a good plan. We're still reviewing it, we will review it with all the other departments in the County and our counterparts with the villages and towns and everybody else we deal with.

CHAIRPERSON CARPENTER:

Are there any questions of the Commissioner? Now, I know a copy was sent to the County Executive's Office and a copy was sent to the Clerk of the Legislature. And as the Commissioner said, it is quite a lengthy document, there's like three volumes or something. Is there anyone on the committee that feels that they would like to have a copy of it rather than have you distribute it to everyone, or are you planning to give it to each Legislator?

COMMISSIONER WILLIAMS:

What we would do, after the adoption of it we would actually get copies made up and supply it to everybody, every Legislator, everybody would have a copy of it. We didn't want to do that in case there were some questions or some things you wanted to change, it is an expensive item to get done, but the plan would be every one of you would receive a copy in your office.

CHAIRPERSON CARPENTER:

Okay. So in the interim, if anyone feels the need to review any of it, there is a copy in the Clerk's Office. Okay? Any questions?

LEG. CARACCILO:

Angie, just ••

CHAIRPERSON CARPENTER:

Legislator Caracciolo.

LEG. CARACCILO:

Thank you. Good afternoon, Commissioner.

COMMISSIONER WILLIAMS:

Good afternoon.

LEG. CARACCILO:

Just on a similar but unrelated, direct topic, what is the County's current capability to deal with biological attacks?

COMMISSIONER WILLIAMS:

Well, we deal very closely with the Suffolk County PD, Deputy Inspector Mark White. We feel we keep on reviewing it, I feel comfortable looking at the plans that we have in place. The terrorism task force that we belong to, we're just as up•to•date as any other County and we're very aggressive, always constantly looking at this, constant seminars, table tops going on.

LEG. CARACCILO:

In terms of equipment for personnel to deal with such an event, you feel we have sufficient quantity and training of personnel?

COMMISSIONER WILLIAMS:

Yes, we do. It's a twofold between •• naturally between the Suffolk County PD, their training. We have New York State trailers and County trailers throughout the County, Emergency Services carries their own. We also have trailers put out throughout the County that were supplied to us by the State a couple of years ago, and also the County. We're approximately ••

on the volunteer end, we have 525 fire fighters from different departments that have been certified, we're in the process of going back now and making sure those certifications are still up. But we do have the quick response of Suffolk County PD, we have five Hasmat teams from the towns, different towns in the County that are up to speed on that and we also have the backup from the volunteer end of it.

LEG. CARACCILO:

So in terms of volunteer force, you feel that they obviously have the training, but do they have the equipment?

COMMISSIONER WILLIAMS:

They have as much equipment as we can supply to them. We can always use more equipment, we're always buying more equipment, that's part of these grants, we're always supplying more equipment, we're always upgrading equipment. I know we've got five more trailers coming from New York State within the next six months. The problem with that is that what we didn't want to do is the State was shipping the trailers to us, and I understand that in talking to the prior Commissioner, they're shipping the trailers to us, but most of the equipment wasn't in the trailers, they gave it to us piecemeal. What we kind of did because of •• we could never issue those trailers, we told them we don't want the trailers until you can give us a trailer we can actually turnout. But as far as equipment, we're always looking to get more equipment. Some of the departments are buying some of their own, they're talking to us about it, but what we're trying to do is control what everybody has, we're trying to •• we have the five Hasmat teams in the County. We work very closely with Suffolk County ES, with Chief White and all, and the big thing is that what we're trying to do, we're going back right now as far as the personnel to see exactly what equipment they have. Back a couple of months ago, we had two people who were working on a Federal grant for us right now, they're very knowledgeable in this. Part of their job right now is to check these trailers, check exactly what's out in the field, making sure the stuff is up•to•date, checking on these 525 volunteers to make sure they've kept their certification, are they still in the department, going back on that paperwork.

So it was done •• we're staying on top of it as best as we can. We're always expanding. There's always classes being offered, we're always encouraging people to go to these classes. Could we give enough equipment out to 525 volunteers tomorrow? I'd have to tell you no. I guess in the volunteer, what we're looking at, we have 525 people trained and given an incident, if I could

get 50 to a 100 at a different incident, we definitely have enough equipment for them. As far as the _paid _ ASK JOE WILLIAMS with the Suffolk County PD, the Hasmat teams, they're definitely 100% equipped.

LEG. CARACCILO:

Okay. And in terms of the recent events overseas and London, are we on any type of elevated alert?

COMMISSIONER WILLIAMS:

Yes. What we've done is we follow the lead, again, from Suffolk County PD. The alert level went up, during those two major events where we just had •• the two events they had in London, we did open our EOC for like 36 hours both times. After conferring with the Terrorism Task Force and Deputy Chief White and everybody else and the Commissioner of Police and all, we felt comfortable closing after those times. _We've done elections in our EOC,_ ASK JOE WILLIAMS we're a little more diligent about who's coming and going in our building, we've sent out notices to the volunteer fire services about the National Guard out there, it's been very good communication between us and the Police Department. And some of that is really sensitive stuff we can't pass on, but the stuff we can pass on to the local five chief, fire districts just to keep them aware, they're the people going for an ambulance call at a railroad station. Even down to the point where we get notified last week about the National Guard being kicked up, that they're actually going to the scenes in rented vans. They were diligent enough to give us a description of the vans, where they're stationed. We didn't pass all that stuff on, but we passed enough on to the fire departments so at least they feel they're in the loop that when they go to a scene and they see somebody or they get a call about something, they keep an eye •• there are eyes and ears out there also.

LEG. CARACCILO:

The National Guard, as all of us recall, were reactivated recently by the Governor. Suffolk County, I know I saw some up at the Port Jeff Ferry over the weekend; are there other locations besides the train station at Ronkonkoma that they have been deployed?

COMMISSIONER WILLIAMS:

As far as I know, I know Ronkonkoma, I don't personally about some other location, I believe there are; but again, it's all sensitive. What happens is it goes through PD on a need•to•know basis to us and then we try to filter it before it goes back down, only after consultation with the

Suffolk County PD.

LEG. CARACCILO:

Okay. And are you comfortable that we now have sufficient security in place to protect a breach at Plum Island Animal Disease Laboratory?

COMMISSIONER WILLIAMS:

I can only go by what I'm told and what I see, I think we're doing the best we can do.

LEG. CARACCILO:

Is there something else we should be doing?

COMMISSIONER WILLIAMS:

I really couldn't prepare to answer right now.

LEG. CARACCILO:

I mean, if it's something we have to discuss in executive session or privately, I'd welcome that. Because that's certainly one of the areas in this County that has had some vulnerabilities or has had vulnerabilities in the past and we want to certainly ••

COMMISSIONER WILLIAMS:

I would like to maybe at a later date do that, but I would definitely like to have Deputy Chief White part of the conversation.

LEG. CARACCILO:

Okay. Then my office will contact you and we'll have a meeting to follow up on that with some of the local fire departments. Because I know historically, before 9/11, everybody said, "Oh, there's not a problem," and as you became up•to•speed very quickly on, there were problems. And before Dave Fischler left, we began to address a lot of those problems and I just want to make sure they have been fully addressed.

COMMISSIONER WILLIAMS:

Yes. I would gladly meet with you, I'm sure Chief White would, too.

LEG. CARACCILO:

Thank you.

CHAIRPERSON CARPENTER:

Thank you very much, Commissioner. Any other questions? Thank you.

All right, let us go to the agenda.

Tabled Resolutions

1281•05 • To establish a pilot program called the "Safe Communities Initiative", authorizing the expanded use of security camera systems to deter crime and assist law enforcement efforts (Cooper).

LEG. O'LEARY:

At the request of the sponsor, I make a motion to table.

CHAIRPERSON CARPENTER:

Motion, second by Legislator Losquadro. All those in favor? Opposed?

The resolution is tabled (VOTE: 8•0•0•0).

1285•05 • Adopting Local Law No. 2005, a Local Law to amend Article II of the Chapter 270 of the Suffolk County Code to provide further protections under the "Crack House Law" (Cooper).

LEG. CARACCILO:

Motion to table.

CHAIRPERSON CARPENTER:

Motion to table by Legislator Caracciolo. Is there a second?

LEG. LINDSAY:

I'd like to make a motion to pass, to approve.

LEG. BISHOP:

Which one?

LEG. LINDSAY:

1285.

LEG. BISHOP:

Second the motion to table.

CHAIRPERSON CARPENTER:

I believe this is a resolution that we had a representative from the District Attorney's Office come forward and ask for support on.

LEG. CARACCILO:

All right, I'll withdraw my motion to table.

CHAIRPERSON CARPENTER:

Okay, thank you. So we have a motion by Legislator Lindsay to approve, I'll second that. All those in favor?

LEG. BISHOP:

On the motion.

CHAIRPERSON CARPENTER:

On the motion.

LEG. BISHOP:

Is this the resolution where we're going to authorize the seizure of property for, among other things, insurance fraud?

CHAIRPERSON CARPENTER:

Correct.

LEG. BISHOP:

Okay. And that ••

MS. KNAPP:

It amends the Crack House Law.

CHAIRPERSON CARPENTER:

It amends the Crack House Law.

LEG. LOSQUADRO:

Legislator Carpenter, on the motion?

CHAIRPERSON CARPENTER:

Legislator Bishop?

LEG. BISHOP:

And there's somebody here from the District Attorney's Office who spoke on this?

LEG. LINDSAY:

Yes.

CHAIRPERSON CARPENTER:

Yes. Mr. Nicolino, are you still in the audience?

LEG. LINDSAY:

No, I think he left.

MR. KEARON:

No, he left.

CHAIRPERSON CARPENTER:

Bob, do you want to come forward and speak to it?

LEG. BISHOP:

What are the other enumerated felonies or crimes that would ••

CHAIRPERSON CARPENTER:

Counsel, if you would?

LEG. BISHOP:

•• authorize the seizure of property?

MS. KNAPP:

They are identified by the section numbers of the Penal Law, however, they break down into insurance fraud, falsifying business records, tampering with public records, offering a false instrument for filing, and violations of the sales tax provisions of the State Tax Law.

LEG. BISHOP:

Okay. So if somebody ••

MS. KNAPP:

And _inconspiracy_.

LEG. BISHOP:

•• runs a business out of their house and doesn't pay the sales tax we're going to take the house. What I'd like to know is how is that a nuisance abatement? Isn't that the purpose of the Crack House Law, was to protect neighborhoods from activities that were damaging the quality of life in the neighborhood, i.e., a crack house, a house a prostitution, something that was destroying the integrity of a neighborhood? Now we're talking about white collar crimes.

MR. KEARON:

Mr. Bishop, what this is designed to do is to deal with those slum landlords who are violating town ordinances by falsely filing representations with the town that they are in compliance with all the zoning laws, specifically with respect to the number of occupants in the house. We believe that this law •• by expanding this law, we will not only be able to prosecute them criminally but the towns will be able to take, and the County, further enforcement action with respect to divesting the property owner from title.

LEG. BISHOP:

Does it limit it to that? I mean, first of all, I'm not even sure I'm down with that but, I mean, if that's the purpose, is that what it's limited to? It seems like it's just saying it's articulating the

various felonies, falsifying business records, tampering with public records, offering a false instrument for filing •• which, of course, is a District Attorney favorite tool •• but it doesn't say specifically for the purpose of the situation that you just articulated.

MR. KEARON:

It's giving the County a civil remedy. I mean, we have our remedies if somebody files •• makes a false filing, as you know.

LEG. BISHOP:

Right.

MR. KEARON:

But this Crack House Law was designed to give the County the ability to seize the property from an owner who violates the Crack House Law and it gives •• it expands the predicates of the different types of criminal activity that a landlord may engage in that will allow the County to seize the house.

LEG. BISHOP:

Right. Okay, I appreciate that.

CHAIRPERSON CARPENTER:

Thank you. Any other questions? All right, we have a motion and a second.

LEG. BISHOP:

I just want to make •• on the motion, I just want to put on the record that this is a really troubling step forward. And when you talk about a slippery slope, you know, you were talking about it in the future, you're now firmly on the slope, heading down very quickly. You're authorizing the seizure of property now for the filing of a false instrument which could be •• I think among other things, it might be your financial disclosure forms. I mean, there are so many instruments that are filed in the course of a lifetime and we're now authorizing the seizure of property for the filing of a false instrument, for the filing of false business record, insurance fraud. This is almost, you know, a mockery of the original intention of the law which was a Crack House Law which was to deal with real neighborhood blight, and this •• well, granted it could be a tool used for that, it also could be a tool used for any one of a number of

actions by the government. And of course we trust this District Attorney, I certainly do, but who knows what the future District Attorney and staff will do with this. You just don't make laws like this because it's just too wide a birth for problems to come through.

CHAIRPERSON CARPENTER:

Legislator O'Leary.

LEG. O'LEARY:

I find myself in the position of having to agree with Legislator Bishop to a certain extent, which is unusual in and of itself. But the one concern I have is in order to effectuate the charges that are enumerated in the resolution, does the initial threshold have to be that it's been identified as a crack house?

MR. KEARON:

No. What happens is if we prosecute someone for let's say a false filing, that becomes •• it's up to the County Attorney actually to proceed with this, this is not something that we do.

LEG. BISHOP:

It's the District Attorney.

MR. KEARON:

We will prosecute initially, the County Attorney will then bring on a proceeding to civilly forfeit the house if it falls within •• if the misconduct falls within the parameters of the Crack House Law. But the Crack House Law has a lot of predicate crimes that if a landlord or owner engages in, makes the property then subject to the Crack House Law. So they have to be enumerated within the statute in order to be a predicate for the County Attorney to come and seize the property, and what this resolution is doing is expending the predicate crimes. It was originally dealing with drug dealing out of a house, as Mr. Bishop indicated, but it has been expanded I think on a few occasions to add additional Penal Law offenses.

LEG. O'LEARY:

Well, as you had indicated in your statement, that it would apply •• be applicable to violation of town codes and ordinances?

MR. KEARON:

Well, that's I think what the sponsor had in mind, those situations where you have a slum landlord who is allowing 40 or 50 people to occupy a house and representing to his insurance carrier that he's in full compliance with all town ordinances, representing to the town that they are in compliance with the town ordinances, governing the restrictions on the property use. And that, of course, is a false filing by making those filings with a government entity which subjects them to prosecution by us, and upon a successful prosecution then the Crack House Law and its forfeiture provisions come into play.

LEG. BISHOP:

So is renting illegally.

LEG. O'LEARY:

I mean, I have notes from previous meetings and discussions that the sponsor was looking to amend this particular resolution and there's been no indication that he has, or I'll go through Counsel; has the sponsor amended this resolution at all?

MS. KNAPP:

I believe the only amendments were perhaps to have added some. I want to just focus on one thing, though, everybody sort of runs very quickly to a bottom line that is seizing a house, but remedies in enforcements include but are not limited to orders to make improvements and/or alterations to a premises, eviction of tenants, ejection of occupants, imposition of civil penalties and the recovery of the cost of the action. I mean, there are steps in the Crack House Law. The steps can lead ultimately to a permanent injunction and seizure of property by the Sheriff, but the intent of the Crack House Law was always to stop the illegal activity which formed the predicate of the County's enforcement action.

LEG. O'LEARY:

And the illegal being drug dealing or associated with drugs.

MS. KNAPP:

Except that Mr. Kearon is exactly right when he says that the offenses have been expanded. And while they started originally with the Article 220 Controlled Substance, they include prostitution, gambling, sale of marijuana. They were recently expanded to include gun crimes, they include auto stripping, they include illegal possession of a vehicle identification number

plate, that's sort of an interesting one. But I think the point is the prohibited conduct has been expanded in the past, this would be a further expansion and what the prohibited conduct does is give the County Attorney the basis for being the enforcement action.

LEG. O'LEARY:

Okay, thank you.

CHAIRPERSON CARPENTER:

We have a list growing here. Are you done, Legislator O'Leary?

LEG. O'LEARY:

Yes.

CHAIRPERSON CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

I think probably everybody will agree that slumlords are becoming a major problem in the County and up until now it's strictly within the purview of the towns through zoning requirements to regulate them. The problem with that is the town mechanism is so slow and cumbersome, and even if found guilty the civil penalties are really no more than the cost of doing business. We don't scare the slumlords at all, and only after an extended period of time when we actually close down some of these places that really are a blight on neighborhoods, they just move somewheres else, across the town line to another town and the whole process starts over again.

I'm supportive of this because I've been looking for some time for the County to have involvement in this process and to add some more teeth to the process that we could act on a County wide basis instead of just on a town wide basis.

LEG. O'LEARY:

I ••

CHAIRPERSON CARPENTER:

Excuse me, I said we had a list. So Legislator Nowick. You want to go back on the list?

LEG. O'LEARY:

No.

LEG. NOWICK:

You know, I hate to say it also, but I'm listening to Legislator Bishop and in a way, I'm a little concerned about the part of the bill that talks about filing false instruments. It sounds to me •• I see crack house, I'm thinking to myself illegal drug rings, cocaine, I'm thinking of things that are blatant. I'm getting a little concerned about possibly over governing. Now, I'm not saying that this isn't a good bill, but perhaps we could just take a little time to go over it a little more with a fine•toothed comb and find out if we're not just perhaps over doing it. I for one would like to read a little more. I do get nervous that we're looking to take every •• taking autos and houses, and I'm not saying it's not good. Just myself, I just feel like I need a little time. I am not ready right now and I don't know how everybody else •• I am concerned about that slippery slope.

CHAIRPERSON CARPENTER:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I have to agree with Legislator Lindsay, that the towns certainly do not have enough teeth here, and I can just give a little historical perspective of why I think that this is important.

The one thing we've seen in New York State recently has been that auto insurance rates have begun to actually go down, and that doesn't happen over night. I was part of the auto insurance industry for about ten years and the policies that went into effect a decade ago are now paying dividends. We put policies into effect that said if a person came to you with an affidavit of theft you wouldn't accept it, you made them mail it because when they filed that, they were then committing mail fraud. This is sort of like putting Al Capone in jail for tax evasion. You give the prosecutors the tools they need to go after people and be able to prosecute them. Sometimes you have to stack the deck in your favor because too often the deck is stacked in the favor of people who are committing these crimes.

I am very much in favor of this. I know the importance of what insurance fraud costs every individual, be it homeowner, auto ratepayer, and just how important it is to give the prosecutors the ability to go after things which do seem simple at first like filing a false instrument, but are very important and part of the prosecutorial process. So I'm very much in favor of this. Thank you.

CHAIRPERSON CARPENTER:

Legislator Bishop and then Legislator Mystal.

LEG. BISHOP:

Well, even if you're inclined to support this to deal with illegal boarding houses, and I'm not sure I would go there with you, but even if you were, I think you would want this bill to be a lot more narrowly tailored, which it isn't now. Because if you're just articulating these offenses, you could apply this to the person who has the illegal apartment, who lives upstairs and rents out the downstairs illegally. Now, they are committing •• I mean, apparently they would be committing insurance fraud and other things if they are telling their carrier that they're the only ones who occupy the house. Now, I would suggest that probably tens of thousands of homes in Suffolk County would fall under that category. And I'm not sure that •• while we want to deal with that, I'm not sure we would want to take away the homes of those people. And so would that happen? It's unlikely. But you are not closing the door to that kind of abuse by a government.

We are the government and we are the government law writers and we're supposed to write laws that are narrowly tailored to the concerns that we have and not broad, you know, mandates to seize power. You know, I hate to get on a really high horse here, but that's what you're doing, you're saying, "You commit any one of these offenses and we have the right to start a process that ultimately can seize your property," and that's a very important step and one that should be taken lightly. In fact, I think we would be the only government in the United States that would have laws that do that for something like filing a false business record.

So again, I think that even if you're inclined to address illegal boarding houses with this type of law, we should at least ask the sponsor to write one that is much more narrowly tailored to it's goal.

CHAIRPERSON CARPENTER:

Okay, thank you. Legislator Mystal.

LEG. MYSTAL:

Thank you, Madam Chair. It looks like we are fastly approaching the era where the government is going to be all•encompassing and taking everything over. We just saw what the Supreme Court did with eminent domain and now we have a rash of State Legislators trying to pass a law to stop what the Supreme Court did; this bill to me is doing the same thing. And I was just talking with Ed behind me, we were just talking about the people and what Legislator Bishop just said in terms of the illegal apartments that we have and I have a lot of them in my district. And I'm also thinking about, you know, one of the common things, you may not have it in your district but I have it in my district, people having rent parties with an open bar in the basement on a Saturday, they become a nuisance to the neighbors.

CHAIRPERSON CARPENTER:

A what party?

LEG. MYSTAL:

Oh yeah, they do, they have rent parties.

CHAIRPERSON CARPENTER:

What's a rent party.

LEG. MYSTAL:

A rent party, a mortgage party. You don't know what a rent party is? God, you guys are so white, Jesus. Wow. You have a rent party; when you can't pay your rent, you invite some friends over, you put a little bar together and you sell some liquor and you have your money to pay your rent. Alicia, you know what a rent party is, right?

MS. HOWARD:

Yes.

LEG. MYSTAL:

Thank you, my dear; at least somebody knows around here. Jesus. This, again, it's illegal, but

it's something that happens all the time. And I hate to see somebody lose their house because they got into a bind and the neighbor next door didn't like it and report them and now you have to do something about it. I think it's a bad bill, it needs to go back to the hopper.

CHAIRPERSON CARPENTER:

When we use the Crack House Law, if someone had a rent party and it was illegal and you invoke the provisions of the Crack House Law, you couldn't just take their house on the first shot, it has to be repetitive times that they've, you know, flagrantly disobeyed the law. And within a certain time period because it used to be three offenses within one year and then I think I put the legislation forward that broadened it to two years so that it was three offenses within two years; is that correct?

MR. KEARON:

I believe so.

CHAIRPERSON CARPENTER:

Okay.

MR. KEARON:

If I may, Madam Chair. I think you all give us a little too much credit here for having the wherewithal to drop everything that we're doing and go out and prosecute people, you know, who may have one extra person living in the house. I mean, we're talking about egregious conduct here, a type that's common place in Farmingville. I mean, we are talking about 50, 60 single men living in the midst of a neighborhood and all the ramifications of that. It's conduct that's detrimental to a neighborhood, as much as anybody running a crack house in the neighborhood.

We don't have the resources to prosecute everybody, we're going to target those that should be targeted. In fact, it may be a little premature, but we're preparing a resolution that we've been awarded a grant by the New York State, I think it's Department of Taxation and Finance, we're going to be targeting these, again, the most egregious of these slum landlords with a view towards prosecuting them for New York State Income Tax evasion which surely is going on. If they're receiving \$250 a month times 50 and it's all in cash, I think we're going to find quite a few people violating our income tax laws. I mean, this is a serious and real problem that has to

be dealt with, it's happening not only in Brookhaven but in other towns as well.

LEG. BISHOP:

Write a better law.

CHAIRPERSON CARPENTER:

I appreciate you coming forward and answering the questions. But as the Chair of the committee, I think there have been a lot of questions about this and I'm going to withdraw my motion to second the approval and make a motion to table.

LEG. BISHOP:

Second.

LEG. O'LEARY:

I'll second the tabling motion.

LEG. MYSTAL:

Second.

CHAIRPERSON CARPENTER:

Okay. All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

LEG. CARACCILOLO:

Opposed.

CHAIRPERSON CARPENTER:

The resolution is tabled (VOTE: 6•2•0•0 Opposed: Legislators Losquadro & Caracciolo).

LEG. CARACCILOLO:

I would just •• Madam Chair, if I could ••

CHAIRPERSON CARPENTER:

Yes.

LEG. CARACCILO:

•• encourage Mr. Kearon and the District Attorney to take a look at within the Town of Riverhead, the hamlet of Riverhead, there are a number of boarding house situations that many believe are in violation of local and other laws. One particular homeowner responsible, it wouldn't be very hard to track down and my office would be happy to work with the DA's office in pursuing some prosecutions there.

LEG. MYSTAL:

What about the 18 kids in one house in Southampton, you going to go out there?

LEG. CARACCILO:

Sure.

CHAIRPERSON CARPENTER:

Okay, that resolution has been tabled.

We go to **1304•05 • Accepting and appropriating 100% Federal grant funds awarded by the U.S. Department of Justice under the FFY 2004 Local Law Enforcement Block Grant to the Suffolk County Departments of Police, Probation, Economic Development and Workforce Housing and Youth Bureau (County Executive)**. I believe that this is moot because we had a resolution that Legislator O'Leary sponsored that changed the Economic Development to the Sheriff's Office. So I would just ask the County Exec •• we'll table, make a motion to table subject to call.

LEG. O'LEARY:

Motion to table subject to call.

CHAIRPERSON CARPENTER:

Okay, second. All in favor? ***The resolution is tabled subject to call (VOTE: 8•0•0•0).***

Resolution **1327•05 • Adopting local Law No. 2005, a Local Law establishing responsible standards and controls for alarm systems that require Police Department response (Cooper)**. I received an e•mail from the County Attorney's Office; did you wish to come forward and speak on this resolution?

MS. CAPUTI:

I don't think I need to at this time, but ••

CHAIRPERSON CARPENTER:

Pardon me?

MS. CAPUTI:

I appreciate the opportunity, but my office has been working with the sponsor of the bill, not myself directly, it's my understaffing that they're going to be tabling it to make more revisions.

CHAIRPERSON CARPENTER:

Okay, very good. Thank you. So we'll make a motion to table, second by Legislator Nowick. All those in favor? Opposed? **1327 is tabled (VOTE: 8•0•0•0)**.

That takes us to **1583•05 • Adopting local Law No. 2005, a Local Law strengthening the procedures and remedies of the Suffolk County Human Rights Commission (Mystal)**.

LEG. O'LEARY:

Motion to table.

CHAIRPERSON CARPENTER:

Motion to table, second by Legislator Losquadro. All those in favor? Opposed? The resolution is tabled.

LEG. BISHOP:

Opposed.

LEG. LINDSAY:

Opposed.

CHAIRPERSON CARPENTER:

1646 •• please note the opposition? ***Tabled (VOTE: 6•2•0•0 Opposed: Legislators Bishop & Lindsay).***

1646•05 • Establishing a policy to ensure adequate police protection for Suffolk County residents (Binder).

LEG. O'LEARY:

Motion to approve.

LEG. LINDSAY:

Motion.

LEG. CARACCILO:

Second.

CHAIRPERSON CARPENTER:

We have a motion and a second to approve.

LEG. LINDSAY:

Motion to table.

CHAIRPERSON CARPENTER:

And the motion to table takes precedence. Motion to table by Legislator Lindsay, second by Legislator Bishop. All those in favor of the tabling?

LEG. BISHOP:

Just an explanation before we ••

CHAIRPERSON CARPENTER:

Certainly. Counsel, if you would?

LEG. BISHOP:

What does this law do, why am I tabling it?

MS. KNAPP:

This is •• yeah. This is the one that says that all sectors within each precinct shall be scheduled to be manned for all shifts without exception, except •• and then there's the second RESOLVED that says that if an emergency conditions arises that it's impossible to implement the policy.

LEG. BISHOP:

Is there a fiscal impact statement that has been prepared for this measure?

MS. KNAPP:

I'm going to defer to Budget Review. One of the difficulties of having the computer as opposed to paper is that ••

LEG. BISHOP:

I don't want your explanation. You got one?

MS. VIZZINI:

Yep.

LEG. BISHOP:

What's the cost?

MR. MAGGIO:

Just based on the number of sectors that are not manned on the midnight shift, which at last count was 18, the cost would be about \$5.4 million including benefits.

LEG. BISHOP:

Okay. And that's just for the remainder of the year or that's annually, or how do we ••

MR. MAGGIO:

That's annually.

LEG. BISHOP:

Okay. And that's •• are there other shifts that •• that's looking at one shift; are there other shifts that ••

MR. MAGGIO:

That's looking at the midnight shift, yeah.

LEG. BISHOP:

Are there other shifts that are implicated?

MR. MAGGIO:

Yeah, there were other shifts that were implicated but that information wasn't available as to how many shifts aren't covered.

LEG. BISHOP:

Okay. Well, I think we should get that, for one thing. I mean, even if you support the law, it may make your best case. Can I ask the County Executive's representative whether they support this bill or not and what their reasoning is?

CHAIRPERSON CARPENTER:

You certainly may. Oh, there he is.

LEG. BISHOP:

And there he is.

CHAIRPERSON CARPENTER:

What a surprise.

MR. ZWIRN:

No, the County Executive doesn't support this bill because it just goes into micromanaging the Police Department. You know, the spirit is to have more police protection, nobody is against that, but this would not be the way that he would see that this be done.

CHAIRPERSON CARPENTER:

Okay. So we have •• any other questions on this? All right, we have a motion by Legislator

Lindsay to table, second by Legislator Bishop.

On the tabling motion, all those in favor of the tabling? Opposed?

LEG. CARACCIOLO:

Opposed.

LEG. O'LEARY:

Opposed.

LEG. LOSQUADRO:

Opposed.

CHAIRPERSON CARPENTER:

Opposed. Tabling fails.

LEG. MYSTAL:

What? I'm not opposed to tabling, I want to table.

CHAIRPERSON CARPENTER:

Well, then you have to say yes. So we have three in favor of tabling. The tabling motion fails.
Do we have a motion to approve?

LEG. CARACCIOLO:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Caracciolo. Second by?

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator O'Leary. All those in favor? Opposed?

LEG. LINDSAY:

Opposed.

LEG. BISHOP:

Opposed.

LEG. MYSTAL:

Opposed.

CHAIRPERSON CARPENTER:

We have three opposed, five in favor, ***the resolution passes***

(VOTE: 5•3•0•0 Opposed: Legislators Lindsay, Bishop & Mystal).

1720•05 • Reappointing Dennis Magerle as a member of the Suffolk County

Vocational, Educational and Extension Board (Cooper). Is the gentlemen here? He is not. We're going to make a motion to table and just ask my •• yes?

LEG. BISHOP:

It's a reappointment.

CHAIRPERSON CARPENTER:

I know he's a reappointment, but it's been a while since the appointment was made and we've had anybody ••

LEG. BISHOP:

All right. You want him?

CHAIRPERSON CARPENTER:

We'll just check and make sure.

LEG. LINDSAY:

Has anybody notified him to come?

CHAIRPERSON CARPENTER:

I'm not sure, I'm going to have to check with my office.

LEG. BISHOP:

How about •• well, there's no time problem, right?

CHAIRPERSON CARPENTER:

We're meeting •• no.

LEG. BISHOP:

So table it.

CHAIRPERSON CARPENTER:

They're holders anyway and we're meeting in two weeks, so we'll try to reach out. And maybe, Commissioner Williams, you might be able to assist us in that. Thank you. ***Tabled (VOTE: 8•0•0•0).***

Okay, ***1747•05 • Adopting the Comprehensive All•Hazards Emergency Management Plan for Suffolk County (County Executive).*** We have a motion to approve by Legislator O'Leary, I will second that. All those in favor? Opposed? ***The resolution is approved (VOTE: 8•0•0•0).***

1753 was accepted •• I mean, was already approved.

That takes us to ***1760•0•5 • Appropriating funds in connection with improvements to the County Correctional Facility C•141, Riverhead (CP 3014)(County Executive).*** I'll make that motion.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator O'Leary. All those in favor?

LEG. BISHOP:

Explanation.

CHAIRPERSON CARPENTER:

Explanation. I believe this appropriates a million plus for renovations in Riverhead.

LEG. BISHOP:

Okay, in Riverhead.

CHAIRPERSON CARPENTER:

In Riverhead, yeah.

LEG. BISHOP:

Very good.

CHAIRPERSON CARPENTER:

Okay? All those in favor? Opposed? ***The resolution is approved (VOTE: 8•0•0•0).***

1774•05 • Accepting and appropriating a grant in the amount of \$27,750 from the State of New York Governor's Traffic Safety Committee for the Suffolk County Police Department to fund the Traffic Safety Corridor Enforcement Program with 83.13% support (County Executive).

LEG. O'LEARY:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator O'Leary, second by Legislator Losquadro. All those in favor? Opposed? ***The resolution is approved (VOTE: 8•0•0•0).***

TABLED SENSE RESOLUTIONS

Sense 31•2005 • Sense of the Legislature Resolution urging Federal, State and Local officials to uphold civil rights and liberties (Viloria•Fisher). Is there a motion?

LEG. LINDSAY:

Motion.

LEG. BISHOP:

Motion to approve.

CHAIRPERSON CARPENTER:

We have a motion to approve by Legislator Bishop, second by Legislator Lindsay.

LEG. CARACCILOLO:

Motion to table.

LEG. O'LEARY:

Motion to table subject to call.

CHAIRPERSON CARPENTER:

We have a motion by Legislator O'Leary to table subject to call, second by Legislator Caracciolo. All those in favor of the tabling? Opposed?

LEG. LINDSAY:

Opposed.

LEG. BISHOP:

Opposed.

LEG. MONTANO:

Opposed.

CHAIRPERSON CARPENTER:

We have three opposed, the resolution to table is approved •• subject to call, yes; ***the resolution is tabled subject to call (VOTE: 5•3•0•0 Opposed: Legislators Lindsay, Bishop & Mystal).***

Sense 48•2005 • Memorializing Sense Resolution in support of Assembly Bill A.07588 and Senate Bill S.05246 strengthening penalties for human trafficking (Viloria

•**Fisher**).

LEG. CARACCILO:

Explanation.

LEG. BISHOP:

Motion.

CHAIRPERSON CARPENTER:

We have a motion by Legislator Bishop, second by Lindsay. On the motion, Counsel, if you would.

MS. KNAPP:

This •• I actually should have checked on the status of the State bills, whether they were passed or not. This would have criminalized •• would have asked the State Legislature to impose stronger criminal penalties on the crimes of human trafficking; it basically effects women in large part who are used in sex trade from other countries.

LEG. BISHOP:

Right, who are here from other countries.

CHAIRPERSON CARPENTER:

So we have a motion and a second to approve. All those in favor? Opposed? ***The resolution is approved (VOTE: 8•0•0•0).***

And we stand adjourned. Thank you.

LEG. BISHOP:

Does the committee want to be a cosponsor?

CHAIRPERSON CARPENTER:

If anyone wishes to cosponsor, just let ••

LEG. O'LEARY:

What about the Home Rule?

CHAIRPERSON CARPENTER:

Home Rule 05 was already enacted.

LEG. O'LEARY:

That was done at the special?

CHAIRPERSON CARPENTER:

Yeah, at the Special Meeting, correct. We are adjourned. Thank you.

(*The meeting was adjourned at 12:59 P.M. *)

Legislator Angie Carpenter, Chairperson

Public Safety and Public Information Committee

_ _ • Denotes Spelled Phonetically